

Calendar No. 1056

91ST CONGRESS }
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SENATE

{ REPORT
No. 91-1051

FRANK J. ENRIGHT

JULY 30, 1970.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 2458]

The Committee on the Judiciary, to which was referred the bill, (H.R. 2458) for the relief of Frank J. Enright, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Frank J. Enright \$100 in full settlement of his claim against the United States for payment of a \$100 U.S. Postal money order held by him numbered 65041 and dated February 15, 1944.

STATEMENT

The House in its favorable report on H.R. 2458 relates the following:

The postal money order which is referred to in the bill was purchased by Frank J. Enright on February 15, 1944, while he was serving in Italy as a private in the U.S. Army. The money order was made payable to his father, Tom Enright, and was enclosed in a letter sent by the soldier to his parents. The soldier sent this money home so that his father could place it in the bank for him. When he returned to the United States from his overseas service, his father advised him that the letter had not arrived. He attempted to trace the letter through the Army postal system in New York but they were unable to trace the letter. In 1968, some 6 years after Mr. En-

right's father had passed away, the letter was found among the father's effects and it still contained the money order. Both the letter and the money order have been furnished to this committee. The envelope contains cancellation of the Army postal service dated February 19, 1944.

The Post Office Department in its report to the committee on the bill stated that the Department is prohibited from paying this money because more than 20 years have passed since the last day of this month of original issue. That report outlines the policy behind this requirement in the law. The committee does not dispute the basic policy involved but feels that this is a matter which merits legislative relief as is provided in the bill. Mr. Enright was a soldier serving overseas under wartime conditions and sought to utilize the money order as a means for sending the money home so it could be placed in an account for use when he returned to civilian life. This expectation was defeated by factors beyond his control and when it finally developed that the money order had been, in fact, delivered and mislaid by his father, it was too late to do anything about it. The Post Office report makes it clear that it is too late to provide for payment under normal procedures. Under these particular circumstances, the only just and equitable way to settle the matter is by action by the Congress.

The committee after a review of all of the foregoing concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 2458, be considered favorably.

Attached hereto and made a part hereof is a letter dated November 26, 1968, from the Post Office Department.

THE GENERAL COUNSEL,
POST OFFICE DEPARTMENT,
Washington, D.C., November 26, 1968.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Postmaster General has asked me to reply to the request for a report on H.R. 19861, a bill for the relief of Frank J. Enright.

This bill would authorize the payment of \$100 to Frank J. Enright, of Stockton, Calif., in full settlement of his claim against the United States for not paying, by reason of lapse of time, a \$100 postal money order which he held. The money order involved was issue No. 65041, dated February 15, 1944.

The Department is prohibited by law from paying a money order after 20 years from the last day of the month of original issue. Also, claims for unpaid money orders are forever barred unless received by the Department within that period (title 39, United States Code, sec. 5103(d)).

Enactment of legislation such as H.R. 19861 would make it incumbent upon the Department to maintain money order records indefi-

nitely. This would be contrary to the policy established by Congress in enacting section 5103(d) of title 39, United States Code; namely, that the records of the Department cannot be maintained indefinitely to adjudicate the millions of money orders issued annually.

For the foregoing reasons, the Department is opposed to the enactment of H.R. 19861.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee from the standpoint of the administration's program.

Sincerely yours,

TIMOTHY J. MAY.

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